

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 24-CR-20051-JEM

UNITED STATES,

v.

ALFRED DAVIS,

Defendant.

/

**UNITED STATES' RESPONSE IN OPPPOSITION TO MOTION REQUESTING
AUDIO OR VIDEO**

The United States of America, by and through undersigned counsel, respectfully submits this response to the defendant's pro se Motion Requesting Audio or Video of the Trial in the above-captioned matter. The motion, which requests the "audio or video of the Conversations" from trial sessions held on March 25, March 26, July 10, and July 11, 2024, should be stricken or denied for the following reasons:

Defendant is Represented by Counsel: As set forth in S.D. Fla. Local Rule 11(d)(4), "Whenever a party has appeared by attorney, the party cannot thereafter appear or act on the party's own behalf in the action or proceeding, or take any step therein, unless an order of substitution shall first have been made by the Court, after notice to the attorney of such party, and to the opposite party." *see Ruiz v. Wing*, 991 F.3d 1130, 1144 (11th Cir. 2021) (affirming the striking of pro se motion under S.D. Fla. L.R. 11(d)(4) when party was represented).

The defendant in this case is represented by counsel and has not filed any motion seeking to substitute his attorney. As such, the defendant's attempt to file a pro se motion is in violation of Local Rule 11(d)(4), and the motion should be stricken.

No Audio or Video Exists: The request for “audio or video of the Conversations” from the trial is without merit. To the best of undersigned counsel's knowledge, there is no audio or video recording of the trial proceedings. Federal court rules and local practices generally involve the creation of a transcript by the court reporter, not an audio or video recording, unless specifically ordered. Therefore, the defendant's request for such materials is not only irrelevant but also nonsensical, as they do not exist in this case.

Incorrect Dates: The motion references dates of trial sessions as March 25, March 26, July 10, and July 11, 2024. These dates are incorrect and do not correspond to the actual dates of the trial. The trial was held on May 14 and May 15, 2024 (ECF Nos. 46–47), with a verdict being rendered on May 16, 2024 (ECF No. 48). The defendant's motion contains errors in both the dates and the specifics of the trial record, further highlighting its frivolous nature.

For the foregoing reasons, the United States respectfully requests that the Court strike or deny the defendant's pro se motion requesting the “audio or video of the Conversations.”

Respectfully submitted,

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